

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMIE EUGENE TUGGLE,

Defendant.

4:13CR3109

MEMORANDUM AND ORDER

Defendant has moved to continue the trial currently set for December 16, 2013. (Filing No. 18). As explained in the motion, the defendant needs additional time to investigate this case and review discovery. In addition, the defendant absconded from treatment, his whereabouts were unknown from October 20, 2013 until December 6, 2013, and counsel was unable to prepare this case with the defendant during that time. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 18), is granted.
- 2) The trial of this case is set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on March 3, 2014, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion, the representations of counsel, and the defendant's flight, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between October 20, 2013 until December 6, 2013, and between today's date and March 3, 2014, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7).

December 11, 2013.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge